

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2006 OCT 30 P 4:37

RICHARD PETERSON,
PLAINTIFF,

vs.

TOWN OF CLAYTON, ALABAMA,
DEFENDANT,

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
Case No: 2:06CV110-VPM

MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, Town of Clayton, Alabama, in the above-styled cause and makes a motion for summary judgment pursuant to the Federal Rules of Civil Procedure 56. This motion is based on the following:

1. The pleadings, particularly the Complaint and the Plaintiff's Response to Motion for More Definite Statement;
2. Deposition of Richard Peterson (Attachment Number 1);
3. Affidavit of Thomas Killingsworth (Attachment Number 2);
4. Affidavit of Shug Rowland (Attachment Number 3); and
5. The Defendant's Narrative Summary of Undisputed Facts and Brief in Support of Motion for Summary Judgment which is filed contemporaneously with this motion.

Respectfully submitted this the 30 day of October, 2006.


R. Todd Derrick (DER006)

OF COUNSEL:

COBB, SHEALY, CRUM, DERRICK & PIKE

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CERTIFICATE OF SERVICE

I hereby certify that I have this day hand delivered a copy of this document upon:

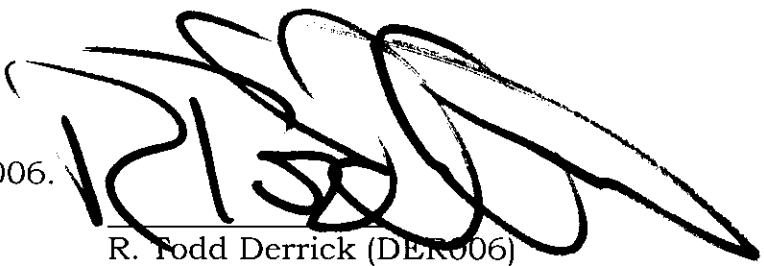
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This the 30 day of October, 2006.


R. Todd Derrick (DER006)